

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

MILTON EVANS,)
v.)
Plaintiff,)
CREDIT ONE BANK,)
Defendant.)
2:11-cv-00496-GMN-LRL

REPORT & RECOMMENDATION

Plaintiff submitted an Application to Proceed *In Forma Pauperis* and a Complaint pursuant to 42 U.S.C. § 1983 (#1) on April 4, 2011. Upon granting his request to proceed *in forma pauperis*, this court screened the Complaint pursuant to 28 U.S.C. § 1915(a). Plaintiff set forth claims for violation of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, *et seq.*; negligent, reckless and wanton conduct; invasion of privacy; defamation; and intentional misrepresentation. The court explained that it has original jurisdiction over only one of plaintiff’s causes of action, his claim under the FCRA. Because the complaint did not allege facts from which the court could reasonably infer that defendant committed any acts in violation of the FCRA, the court dismissed the complaint without prejudice and instructed plaintiff to amend the Complaint to cure the deficiencies listed by the court. Order (#2). *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1985). Plaintiff was warned that failure to adequately amend the Complaint by than July 6, 2011 may result in dismissal. To date, plaintiff has not filed an amended complaint or any other paper.

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RECOMMENDATION

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that this case be dismissed with prejudice.

DATED this 22nd day of July, 2011.

47 Lewis

**LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE**